

A New and Better CIA

The Lawmakers

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AMONG ITS many unpleasant side-effects, this winter's debacle in Iran delivered another body-blow to the prestige of U.S. intelligence. Through most of the Iranian travail, American policy was tilted in favor of the Shah, in the apparent belief that he was somehow going to weather the storm. Only toward the end did this assessment change, permitting us to make our marginal contribution to his overthrow. The whole affair was chalked up as a failure of intelligence: we had woefully overestimated the power of the Shah, underestimated the strength of his opponents, and failed to identify the sources of Iranian unrest.

Even if one accepts the peculiar ethical framework of this indictment, it comes with curious grace from the liberal critics of our foreign policy. The crippling of U.S. intelligence capabilities has been, of course, a major goal of liberal forces in recent years—a goal that they have triumphantly attained. Thanks to a steady drumfire of criticism in the press, congressional exposés, denunciations by defecting agents, and agitprop from Communist sources, the Central Intelligence Agency, along with the FBI and other security agencies, has been effectively throttled.

Blowing Covers

We need only note in this respect the disclosure of confidential CIA material by former agents such as Philip Agee and Frank Snepp, the publication of agents' names by Agee-connected publications such as *CounterSpy*, and the protracted hearings on alleged CIA abuses by the Church committee in the Senate—all of which has put the intelligence community in shock, and made it afraid to lift a finger in its own behalf. Throughout this orgy of recrimination, the liberal media and liberal forces in the Congress have served as

cheering sections for the anti-intelligence crusade. And now they tell us we are suffering from a "failure of intelligence."

Not content with the damage done to date, the Senate is contemplating further restrictive measures that would institutionalize the present timidity and inertia of the intelligence community. These are contained in a proposed bill (S-2525) concocted by the Senate Intelligence Committee last year and scheduled for re-introduction this year. Under the guise of writing charters for the CIA and FBI, thereby forestalling further "abuses," this legislation would bring effective U.S. intelligence efforts to a grinding halt.

Among its other provisions, S-2525 would make the CIA budget public, involve Congress in detailed control of intelligence operations on a continuing basis, extend American constitutional protections to foreign spies, and compel disclosure of vast amounts of intelligence data, including data relating to clandestine operations, to groups outside the intelligence community. The combined effect of these provisions would be to make our already palsied intelligence agencies feeble still, and to make it extremely likely that any data obtained despite the restrictions would be leaked to the outside world through one or another of a hundred crevices.

Witnesses before the Senate Intelligence Committee, including General Richard Stilwell of the Association of Former Intelligence Officers, and former Solicitor General Robert Bork, have recommended removal of the most offensive sections of S-2525—such as the requirement that U.S. intelligence not wiretap the Soviet KGB without first securing a judicial warrant. Such changes are certainly in order, but the mind-set behind this bill is so profoundly hostile to the most elementary re-

that a better course would be to junk S-2525 entirely and start anew.

Fortunately, while there is as yet no comprehensive alternative chartering legislation, several proposals are in the hopper which would constitute a start toward authentic reform of the present mess in intelligence, rather than a formula for making it still worse. One such is S-191, introduced by Senator Lloyd

Bentsen (D., Tex.), which would make it unlawful to disclose the identity of undercover agents, in the manner of Agee, *CounterSpy*, et al. A companion bill has been introduced in the House by Representative Robert Michel (R., Ill.).

Protecting Identities

Going beyond the milder agent-safety provisions of S-2525, the Bentsen-Michel legislation would make it a crime, punishable by a \$10,000 fine or ten years in prison, or both, to engage in unauthorized disclosure of classified information concerning the identity of "any individual or entity as being or having been associated with or engaged in the foreign intelligence operations of the United States." (The original impetus for this measure was provided by the murder of CIA agent Richard Welch in Athens, after he had been identified as a CIA operative by Agee's *CounterSpy* magazine.)

Combining the thrust of Bentsen-Michel with other considerations is HR-1068, introduced by Representative Robert McClory (R., Ill.). This bill would protect not only the identity of agents, but also the confidentiality of information assembled by them. McClory would prohibit straight-out espionage, disclosure of sensitive information by those who had lawful access to it, and the naming of individuals or entities that are undercover operatives for the agency. He would also establish procedures for prosecuting such offenses without completely tipping our intelligence hand to the Soviet Union or other enemies.

Bentsen-Michel and McClory would not by themselves rescue the intelligence community from its low estate, a feat which would require a thoroughgoing change in national attitudes. But they would come a lot closer than the unnamed reform bill that has been

the Senate.

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Section 421 (a)(18), now Section 422 (e), was added primarily to cover disposal of property outside the United States. Authority to transfer both real and personal property to foreign governments is lacking in other provisions of law (outside the Foreign Assistance Act).

For your information, Part 101-46.404, Title 41, Code of Federal Regulations (CFR), states that "Except as otherwise authorized by law, proceeds from sales of personal property disposed of pursuant to this Subpart 101-46.4 shall be accounted for in accordance with General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Fiscal Procedures, Section 15.4." The GAO Policy and Procedures Manual states that "Except as otherwise directed, all proceeds from the sale of personal property will be available during the fiscal year in which the property was sold and for one fiscal year thereafter for obligation for the purchase of replacement property. Part 101-47.307-6, Title 41, CFR, states with certain reservations that all proceeds received from any sale, lease, or other disposition of surplus real property and related personal property shall be covered into the land and water conservation fund in the Treasury of the United States.

It is the intent of this Agency to live within the provisions of existing statutes except in those instances where it is clearly shown that the peculiar functions of the Agency are involved or that security or operational considerations are present.

The provisions in question must remain in Section 422 (e), Title IV, as written.